

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Priscilla Simpkins
730 Callis Dr., Apt. 407
Akron, OH 44311

Plaintiff,

vs.

United States of America
c/o Michelle M. Baeppler, United States
Attorney
801 W. Superior Avenue, Ste. 400
Cleveland, OH 44113

Defendant.

CASE NO:

JUDGE

COMPLAINT IN NEGLIGENCE

Type: Personal Injury

Jury Demand Endorsed Hereon

Now comes Plaintiff Priscilla Simpkins ("Plaintiff"), by and through her undersigned counsel, and for her Complaint states as follows:

JURISDICTION AND VENUE

1. This court has jurisdiction over this claim against the United States of America for money damages pursuant to 28 U.S.C. §1346(b)(1).
2. Pursuant to 28 U.S.C. §1402(b) and §1391(e)(1), venue is proper in the Northern District of Ohio because the acts or omissions giving rise to the claim occurred in the Northern District of Ohio, and Plaintiff resides in the Northern District of Ohio.
3. Defendant United States of America ("Defendant USA"), was the employer of

John Dipaola, a U.S. Transportation Security Administration (“TSA”) employee, who, while in the course and scope of employment, was involved in a motor vehicle collision with Plaintiff on or about October 17, 2018. Pursuant to 28 U.S.C. §2679 and 39 CFR §912.2, Plaintiff’s exclusive remedy is to proceed against Defendant USA under the Federal Tort Claims Act (“FTCA”) in this Court. Plaintiff has satisfied all of the prerequisites necessary to file suit in this Court under the FTCA.

PARTIES

4. Plaintiff Priscilla Simpkins was a resident of Summit County, Ohio on October 17, 2018, the date of the collision which gives rise to this lawsuit, and continues to reside in Summit County, Ohio.

5. Defendant USA employed John Dipaola, who was acting in the course and scope of his employment with the TSA at the time of the collision which gives rise to this lawsuit.

STATEMENT OF FACTS

6. On or about October 17, 2018, at or near S. Broadway Street and Rosa Parks Drive in the City of Akron, Summit County, Ohio, Plaintiff was traveling northbound on S. Broadway Street in the far left lane while John Dipaola was traveling northbound on S. Broadway Street to the right of a concrete divider. John Dipaola attempted to turn left onto Rosa Parks Drive while traveling in a lane marked with a no left turn sign. While attempting the improper turn, John Dipaola turned left into the path of Plaintiff’s vehicle and negligently operated his motor vehicle so as to cause a collision with Plaintiff. John Dipaola was further negligent by disobeying the instructions of the traffic-control device.

7. On Friday, October 16, 2020, Plaintiff submitted a Standard Form 95 to TSA Claims Management Branch.

8. On or about January 5, 2021, Brett Barber from the TSA sent an email requesting that Plaintiff provide a copy of her fee agreement. Plaintiff's counsel emailed Brett Barber the fee agreement on or about January 19, 2021.

9. On or about January 25, 2021, Plaintiff's counsel received an email from Brett Barber acknowledging that Plaintiff's claim under the FTCA was presented on October 19, 2020.

10. On or about May 27, 2021, Plaintiff's counsel received an email from Sheila Williams, Tort Claim Specialist with the TSA, requesting lien information, as well as property damage and lost wage documentation.

11. On or about June 3, 2021, Plaintiff's counsel responded via email to Sheila Williams' request for additional information.

12. To date, Plaintiff has neither received an offer or denial from Defendant USA.

COUNT I - NEGLIGENCE

13. As a direct and proximate result of John Dipaola's negligence, Plaintiff suffered injuries to her mind and body causing inconvenience, physical, mental, and emotional pain and suffering and will continue to suffer said injuries and pain and suffering into the future and upon a permanent basis.

14. As a further result, Plaintiff incurred medical and hospital expenses and expects to incur such expenses in the future.

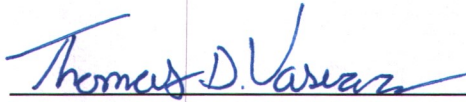
15. As a further result, Plaintiff incurred out-of-pocket expenses, lost income, loss of earning capacity, and will continue to suffer such losses and damages into the future.

WHEREFORE, Plaintiff Priscilla Simpkins, demands judgment against the Defendant as follows:

- a. compensatory damages in the amount of seven hundred sixty thousand dollars (\$760,000.00), plus costs incurred in this action plus interest and attorney's fees;
- b. such other relief to which Plaintiff may show herself entitled.

Respectfully submitted,

KISLING, NESTICO & REDICK, LLC



Thomas D. Vasvari (0097030)

Attorney for Plaintiff

22 E. McKinley Way, Ste. A

Poland, OH 44514

Ph: 330-729-1090 / Fax: 330-869-9008

Email: tdvasvari@knrlegal.com

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.



Thomas D. Vasvari (0097030)

Attorney for Plaintiff